

City of Rochester New York Developers Guide

INTRODUCTION: The Development Process

Clean air, pure water, unpolluted land, accessible streets, and safe, sound and attractive buildings are among the expectations of the people of Rochester. Residents recognize that development and rehabilitation projects are both necessary and desirable. To meet these goals, the City encourages and assists prospective developers and enforces environmental, zoning and construction standards. This document describes permits required and review processes most frequently involved with major construction and rehabilitation projects in the City of Rochester. The document is organized by department and agency, with the permits and reviews each administers, listed and explained. The City has simplified its development review and approval process by creating a Centralized Permit Office located in Room 121B of City Hall. In this one location, a developer may apply for a variety of permits, thus reducing the number of offices to be visited.

Included in this document is a flowchart which graphically represents the overall review process from beginning to end. To expedite this process, all steps on the same horizontal level should be completed simultaneously. Referring to the chart, all areas (except STATE & COUNTY ENVIRONMENTAL REVIEWS) make use of the Central Permit Office and applications for each step of the process may be obtained there. A department directory appears at the end of this document. You can use either the chart or the table of contents below to follow the development process with the City of Rochester.

For information on development possibilities, contact the Department of Economic Development (industrial) at (585) 428-6965 or the Bureau of Buildings and Zoning at (585) 428-6526.

DEVELOPMENT PROCESS IN THE CITY OF ROCHESTER, NEW YORK

OPTIONAL DEVELOPMENT CONFERENCE WITH BUREAU AND AGENCY REPRESENTATIVES		
APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE		
STATE & COUNTY ENVIRONMENTAL REVIEW Monroe County Pure Waters Monroe County Department of Health NYS Department of Environmental Conservation	CITY ZONING AND ENVIRONMENTAL REVIEWS Division of Zoning	
ISSUANCE OF CERTIFICATE OF ZONING COMPLIANCE		
BUILDING AND CONSTRUCTION REVIEWS		
DEPARTMENT OF COMMUNITY DEVELOPMENT Building Code Review Plumbing Code Review Electrical Permits Elevator Permits	DEPARTMENT OF ENVIRONMENTAL SERVICES Engineering Services Permits	FIRE DEPARTMENT Fire Safety Division
ISSUANCE OF BUILDING PERMIT		
INSPECTION OF CONSTRUCTION & ISSUANCE OF CERTIFICATE OF OCCUPANCY BY THE BUILDING INSPECTION DIVISION		

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ZONING AND ENVIRONMENTAL REVIEWS

Department of Community Development Bureau of Buildings and Zoning/Division of Zoning Room 125B, City Hall (585) 428-7043

Certificate of Zoning Compliance (Zoning Code: Section 120-189)

Prior to applying for building permits, the developer submits plans and completes an application for a Certificate of Zoning Compliance (CZC). If the project complies with all zoning standards, the application is approved and the developer may then proceed with application for building and construction permits. If the application is denied, the developer may choose to revise the plans or pursue one or more of the following special processes: site plan review, variance, special permit, certificate of appropriateness, etc. Most of these processes would require the filing of an Environmental Assessment Form (EAF).

Site Plan Review (Zoning Code: Section 120-191D)

Site Plan Review is the examination of the design elements of development proposals to ensure that a project does not adversely affect the site or adjacent properties. It is also a vehicle to assist applicants by alerting them to any deficiencies which should be corrected prior to development. Most major projects are subject to this review. Typically, the process requires submission of detailed site plans, landscape plans, building elevations, an Environmental Assessment Form and possible other information about the project, as required by the Director of Zoning.

If a proposal requires site plan review as well as another zoning special process such as a variance, special permit or Certificate of Appropriateness, the site plan review process precedes the public process. The Director of Zoning must issue Preliminary Site Plan Findings and Notice of Environmental Determination prior to the application for the special process.

The preliminary findings identify zoning requirements, project deficiencies and recommended modifications. These findings will accompany the required special process application for the Boards/Commission's review. The Final Site Plan Decision will incorporate any Board/Commission conditions.

Zoning Variance (Zoning Code, Section 120-195B)

A variance is a procedure by which waivers of certain requirements of the Zoning Code are considered by the Zoning Board of Appeals. There are two types of variances: use variance and area variance.

The application should include floor plans, site plan, elevations and a copy of the preliminary site plan findings as issued by the Director of Zoning when site plan review is required. After plans and applications are submitted, the Zoning Board conducts a public hearing at which the applicant's attendance is required. The Board then votes to grant or deny the variance. A decision letter will be issued within ten (10) days of the Board's determination. Due to public notification requirements, the applicant should allow 6 - 8 weeks from the date the application is filed for the Board's decision. If the project requires site plan review, the applicant must wait for the Final Site Plan Approval letter issued by the Director of Zoning. The applicant must post a sign provided by the City, at least twenty (20) days prior to the meeting date.

Rezoning (Zoning Map Amendment) (Zoning Code: Section 120-190C)

This process involves a revision of an area's zoning classification and requires City Council approval.

After the application is submitted, the City Planning Commission holds a public informational meeting, at which the applicant's presence is required. The Commission then makes a recommendation to City Council. City Council conducts a public hearing and votes on the proposal to amend the Zoning Map. The applicant should allow 10-12 weeks for the entire process. The applicant must post a sign provided by the City, at least twenty (20) days prior to the meeting date.

Special Permits (Zoning Code: Section 120-192B)

For certain permissible uses which may have a special impact, the developer must obtain a special permit. A site plan review is required for every special permit application. The application typically includes site plans, floor plans, landscape plans, building elevations, an Environmental Assessment Form and a copy of the Preliminary Site Plan Findings issued by the Director of Zoning. After the plans and a completed application are submitted, the City Planning Commission conducts a public hearing which the applicant or designated representative must attend. Subsequent to the public hearing the Planning Commission makes a decision. A decision letter will be issued within one (1) week of the Planning Commission's determination. Due to the public notification requirements, the applicant should allow 6 - 8 weeks for the entire process. If the project requires site plan review, the applicant must wait for the Final Site Plan Approval letter issued by the Director of Zoning. The applicant must post a sign provided by the City, at least twenty (20) days prior to the meeting date.

Certificate of Appropriateness (Zoning Code: Section 120-194A)

If the project will involve exterior work on a Landmark or on property within a Preservation District, a Certificate of Appropriateness must be approved by the Rochester Preservation Board.

A typical application includes site plans, floor plans, landscape plans, building elevations, material samples, color charts, photographs and possibly a completed Environment Assessment Form. After submission of the plans and application, the Board holds a public hearing which the applicant or designated representative must attend. The Board usually makes its decisions within 4 - 5 weeks of the date the application is submitted unless the Board requests additional information pertaining to the application. If the project requires site plan review, the applicant must wait for the Final Site Plan Approval letter issued by the Director of Zoning. The applicant must post a sign provided by the City, at least twenty (20) days prior to the meeting date.

Subdivisions (Land Subdivision Regulations - Chapter 128 of the Municipal Code)

Some projects which involve the conveyance of land or the use of more than one (1) lot, must be reviewed as a subdivision or resubdivision and be approved by either the City Planning Commission or the Director of Zoning. Site plan review is required for every subdivision application.

There are three types of subdivisions: exempt subdivision, subdivision and resubdivision.

Exempt Subdivision - A subdivision of fewer than five (5) lots with the Director of Zoning having approval authority. Lots must have street frontage and access to qualify.

Resubdivision - Revision of an existing filed plat (map) including subdivisions and minor transfer of land. A minor transfer of land is the procedure by which two (2) or more lots are combined or lot lines are altered such that it does not result in an increase in the number of lots.

Subdivision - Procedure by which one (1) or more lots is divided, thereby increasing the total number of lots. The City Planning Commission has approval authority of subdivisions of five (5) or more lots and other non-exempt subdivisions.

If the project creates one (1) or more new tax accounts or lots, the applicant must submit a subdivision or re-subdivision map (scaled to not less than two (2) inches equaling one (1) mile) prepared by a licensed surveyor. If five (5) or more lots are created, an Environmental Assessment Form must be submitted.

Certification of approval by the Monroe County Department of Health must also be submitted in the case of realty subdivisions created as defined pursuant to Article III of the Monroe County Sanitary Code. In order to receive approval by Monroe County Department of Health, an applicant must show methods of obtaining and furnishing adequate and satisfactory water supply and sewage facilities to the subdivision. The applicant must also supply information regarding the nature and condition of the soil to absorb sewage, the depth to ground water and bedrock, the topography of the land, and the arrangements for proper drainage and disposal of surface water. Applicants should contact the Monroe County Department of Health directly for a complete set of requirements for approval. Prepaid tax certificates from the County and City are required as part of the submission.

The applicant should allow 6 - 8 weeks following submittal of a complete subdivision application for the processing of a case requiring a hearing. If no hearing is necessary, a decision should be available in 1 - 3 weeks.

Official Map Amendment (Zoning Code: Section 115-37)

The Official Map is a subsidiary part of the Comprehensive Plan and indicates the location and width of streets and the location of parks as laid out and adopted. An amendment to the Official Map may be initiated by filing a completed application with the Division of Zoning, which coordinates a review process involving several agencies, and schedules a City Planning Commission informational meeting. Typical examples of Official Map Amendments include street dedications and abandonments, right-of-way changes, street naming and dedication of city parks.

Amendments to the Official Map can be made only by City Council by the adoption of an ordinance after a Public Hearing. The City Planning Commission makes a recommendation to the City Council on all Official Map Amendment applications. The applicant should allow 10 -12 weeks for the entire process.

Environmental Assessment (New York State Environmental Quality Review (SEQR) Act and Chapter 48 of the Municipal Code)

The decision making body (i.e. Director of Zoning, Zoning Board, Planning Commission, Preservation Board, etc.) has the responsibility for making determinations and administering the local environmental Code as well as SEQR Act of New York. Most projects require Environmental Review.

The first step is completion of an Environmental Assessment Form (EAF) by the applicant. On the basis of the EAF, an environmental assessment is prepared: this is reviewed by the decision making body. If the decision making body determines that the project will not have a significant environmental impact, a Determination of Environmental non-significance is issued and the remaining project reviews continue (i.e. variance, special permit, Certificate of Appropriateness, etc.)

If the decision making body determines that the project may significantly and adversely affect the environment, an Environmental Impact Statement (EIS) is required. The developer prepares and submits a "Draft EIS" following a Public Hearing, the "Final EIS" is prepared. This is used by the decision making body in making its final decision. The EIS process, if applicable, takes a minimum of 12 - 16 weeks.

Monroe County Pure Waters

350 E. Henrietta Road (585) 274-7838

Rochester Pure Waters District Permit

If the proposed project will result in additional storm or sanitary discharge, new connections to sewers and all sanitary combination storm sewer extensions must be approved and a permit obtained from Pure Waters. Initially, one set of complete plans and forms are required, and shall include:

A site plan showing existing and proposed utilities and street sewers (minimum plan size 17" x 22");

Interior plumbing plans, including sizes of pipes for industrial and commercial projects;

Other drawings as required to describe the project.

All required forms as per requirement and any special pre-treatment (if applicable) for all privately constructed sewer in the Rochester Pure Waters District.

The applicant should allow 15 days for initial review of plans. Prior to final approval, four additional sets of plans shall be submitted. These will be stamped and two (2) sets will be returned to the applicant for distribution as the project is reviewed by the Bureau of Buildings and Zoning. The other two (2) sets will remain in Pure Waters files. (Rochester Pure Waters District will administer the sewer construction of the proposed extension.)

Permits will be issued to licensed plumbers when the following conditions have been met:

Applications for new connections have been approved by the Rochester Pure Waters District and a stamped copy of the drawing has been submitted to the Permit Office.

Submission of an acceptable certificate of insurance meeting the District's requirements.

Submittal of an acceptable \$5,000.00 plumbers permit bond meeting the District's requirements.

Payment of all applicable permit fees.

Permits shall be signed by the licensed plumber or his/her authorized designee. Sewer connection permits shall be in effect for a one year period commencing on the date of issuance.

Monroe County Department of Health

111 Westfall Road (585) 274-6811

Health Department Permits

If the proposed project will include:

- Food service establishments;
- Temporary residences (children's camps and mass gatherings);
- Sanitary or combined sewer extensions;
- Water main extensions;
- Realty subdivision;
- On-site sewage disposal;
- Public swimming pools;
- Water supply-cross-connection protection;
- Development on a former waste/fill site,

The developer should contact the Division of Environmental Health of the Monroe County Department of Health. The Health Department reviews construction plans to ensure that minimum health standards are met.

In the case of subdivisions, water main extensions and sewer extensions, the Department acts on behalf of the State Departments of Health and Environmental Conservation as required by Part 5 of the State Sanitary Code and Health and Environmental Conservation Laws.

New York State Departments of Environmental Conservation (NYSDEC) and Health (NYSDOH)

The Bureau of Planning can usually inform the developer of NYSDEC or NYSDOH permits which may apply to the project. It is the developer's responsibility, however, to contact those agencies and apply for and receive the necessary permits. Application forms are available from any NYSDEC or NYSDOH office.

NYSDEC Permits 6274 East Avon-Lima Road (585) 226-2466

Permits are required if the proposed project includes:

- Sources of air contamination within the City boundary;
- Disposal, storage and treatment of solid and hazardous waste;
- Any work in a protected freshwater wetland;
- Dredging and filling in protected rivers, creeks and lakes;
- Transport of hazardous and non-hazardous wastes;
- Pesticide application.

New York State Department of Health Permits (NYSDOH) 42 S. Washington Street (585) 423-8070

Permits are required if the project includes:

- Laboratory facilities;
- Health or medical facilities

As noted under the Monroe County Department of Health "Health Department Permits" section, certain NYSDEC permits and NYSDOH permits -- Realty Subdivision Approval, Water Supply Approval -- are obtained through the Monroe County Department of Health, which has been delegated authority to issue these permits by these agencies.

BUILDING AND CONSTRUCTION

Department of Environmental Services (DES) Permits Office Room 121B, City Hall (585) 428-6848

New subdivision and re-subdivision applications require the review and approval of the City Engineer prior to any permits being issued.

New Streets - Any new subdivisions, including the construction of a new street, will require the following:

- Submission of three (3) sets of professional licensed engineer stamped plans;
- New street permit;
- Certificate of Liability and Worker's Compensation Insurance;
- Letter of Credit (amount to be determined by the City Engineer).

Upon final acceptance by the City Engineer, the applicant must submit a separate two (2) year Guarantee Bond or Letter of Credit in the amount of twenty-five (25) percent of the estimated cost of the public work; as determined by the City Engineer.

Street Opening Permit - If the project involves a sanitary/combination sewer, sewer or water service connection, an approved contractor must obtain all necessary street opening permits in conjunction with the utility service connection permits.

Connection permits may be obtained from:

- Monroe County Pure Waters - Sewers - 274-8100
- City of Rochester Water Bureau - Water Dispatch - 428-7500
- D.E.S. Permit Office - Excavations - 428-6848

Stake Outs - New York State Industrial Code Rule 53 The DES Permit Office maintains the Central Registry for the City of Rochester. The Central Registry is a master list of all operators or owners of underground facilities within the City. The City maintains this list in accordance with New York State Industrial Code Rule 53. All excavators are responsible for notifying all utility operators with facilities in the area to be excavated at least two (2) full working days before digging.

The Central Registry can be inspected at the DES Permit Office or a copy may be obtained for a nominal charge. The DES Permit Office is located at:

- Department of Environmental Services Permit Office, Room 121B
- City Hall 30 Church Street Rochester, New York 14614

All operators of underground facilities in the area should be notified to request stake outs. Contractors should refer to the Central Registry listing. Their names and the areas where their facilities are located are listed in the Central Registry. Contractors can telephone UFPO at 1-800-962- 7962 to request a stake out from these major agencies:

City of Rochester Water Bureau
City of Rochester Street Lighting System
Rochester Gas and Electric Corporation
Rochester Telephone Corporation
Greater Rochester Cablevision
Monroe County Water Authority
Rochester District Heating
Monroe County Department of Transportation - Signal Division
Eastman Kodak Company
The University of Rochester

Excavation Permits The DES Permit Office will issue separate excavation permits in conjunction with Monroe County Pure Waters for any work within the City of Rochester right-of-way. The following conditions must be met to obtain a permit:

Submission of three (3) sets of stamped plans;

A minimum security deposit of \$1,000 in the form of a letter of credit, certified check or cash. The security deposit requirement may increase when determined to be appropriate by the City Engineer.

Certificate of Liability Insurance, Worker's Compensation and Disability Coverage naming the City of Rochester as additional insured.

The excavation permit fee.

Other Permits Permit applicants are responsible for obtaining all other required permits such as Monroe County Pure Waters, NYSDOT, U.S. Army Corps of Engineers, Railroads.

The Rochester Water Bureau requires Hydrant Use Permits be obtained by the permit holder prior to using any hydrant as a source of water supply. The permit requires the use of a water meter and backflow preventer. The Water Bureau will supply a hydrant wrench, water meter, meter setting and backflow preventer. These permits are available at the City of Rochester Water Bureau, Customer Service Office, 10 Felix Street, Rochester, New York. The telephone number is (585) 428-7506

**Department of Community Development
Bureau of Buildings and Zoning
Plan Review and Inspection Division
125B, City Hall (585) 428-6526**

Building Permits A building permit must be obtained before any plans to construct, reconstruct, add to, alter, remodel, demolish or change use of a structure may be carried out.

Prior to applying for a building permit, the developer shall have all necessary approvals from the Division of Zoning as well as Monroe County Department of Health, the New York State Department of Environmental Conservation and Rochester Pure Waters District. In addition, the permit will not be issued until required permits and approvals have been obtained from the City Plumbing Division, Department of Environmental Services and Fire Safety Division of the Fire Department.

The building permit application must be accompanied by:

Three sets of detailed construction plans if project cost is \$100,000 or more, (two (2) sets if under \$100,000), certified by a licensed engineer, architect or owner-designed;

One copy of a site plan approved by the Division of Zoning;

A current certificate of insurance detailing worker's compensation and disability coverage (naming the City as Certificate Holder).

Processing of completed applications usually occurs within fifteen (15) working days, but may be longer for major projects.

If the building permit application is denied, the developer may choose to revise the plans or pursue the process of appeal by submitting a petition to the New York State Board of Review. The applicant should allow a minimum of 12 weeks for a Board of Review Decision.

Plumbing Permits After obtaining all approvals from the Water Bureau, Engineering Bureau, and Pure Waters, a licensed plumber must obtain a permit from the City of Rochester Permit Office in order to perform interior and exterior plumbing work or site work. If the interior structure will be affected by the new plumbing the applicant shall submit one set of mechanical plumbing plans with the application. Connection permits must also be obtained from the Rochester Pure Waters District, City of Rochester Water Bureau and the City's Department of Environmental Services Engineering Permit Office prior to making any connections. Work performed will be inspected and approved by a City of Rochester Plumbing Inspector.

Electrical Permits If electrical work is required for the project, the developer must hire an electrician licensed by the City of Rochester.

Prior to the commencement of work, the licensed electrician is required to apply for an electrical permit from the City. Upon completion of the job and all necessary inspections from the City of Rochester Electrical Inspector, the electrician obtains a certificate of compliance. Work performed will be inspected and approved by a City of Rochester Electrical Inspector.

Fire Safety Permits The Fire Safety Division of the Fire Department reviews plans for construction of all new commercial and multiple dwelling structures, installation of fire alarm systems and fire suppression systems. To expedite the review process, joint plan reviews are conducted by the Fire Safety Division and the Division of Buildings. Where potentially harmful conditions exist, the Fire Safety Division also reviews permits to maintain, change use of, or remodel a structure.

Elevator Permits Prior to the installation or modification of any conveyance, an elevator permit must be obtained from the City. Applications must be applied for by a licensed installer or maintenance company. Inspections are performed by a licensed inspection agency. Plans and specifications must accompany the application.

Demolition Permits Prior to the razing, disassembly or removal of any structure, essential element of any structure or the removal of any debris, a permit shall be obtained from the Permit Office.

The permit application must be accompanied by:

- Site plan or tape location map.
- Building material disposal plan.
- Photographs of all exterior elevations.
- Environmental Assessment Form.
- Certificate of Worker's Compensation specifically stating that demolition work is covered
- Certificate of rodent control.
- Performance Guarantee.
- Proposal for site development.
- Approved safe school route and pedestrian access plan.
- Construction photos of any pre-existing damage to the public right-of-way.
- Maintenance and Protection of Traffic plan when work will obstruct the right-of-way.

Certificate of Occupancy (Zoning Code: Section 120 and Building Code: Chapter 39, Section 214-219) Once construction has been completed, the developer must obtain a Certificate of Occupancy. This procedure involves:

- A written application, filed at the time of permit application;
- An inspection of the property by the Building Construction Inspector;
- Final electrical, plumbing and/or elevator inspection approvals;
- Fire safety approval.

Following the inspection, the applicant should allow 10 days to receive the Certificate

DIRECTORY

- City Hall 30 Church Street Rochester, New York 14614
- Bureau of Buildings and Zoning Permit Office, Department of Community Development Room 121-B, City Hall (585) 428-6526
- Bureau of Buildings and Zoning Division of Zoning, Department of Community Development Room 125-B, City Hall (585) 428-7043
- Bureau of Buildings and Zoning Plan Review and Inspection Division, Department of Community Development Room 125-B, City Hall (585) 428-6561
- Bureau of City Planning Department of Community Development Room 010-A, City Hall (585) 428-6924
- Department of Environmental Services Permit Office Room 121-B, City Hall (585) 428-6848
- Department of Environmental Services Water Bureau 10 Felix Street Rochester, New York 14613 (585) 428-7567
- Department of Economic Development Room 005-A, City Hall (585) 428-6808
- New York State Department of Environmental Conservation (NYSDEC) 6274 East Avon-Lima Road Avon, New York 14414 (585) 226-2466
- New York State Department of Health (NYSDOH) 42 S. Washington Street Rochester, New York 14608 (585) 423-8070
- Monroe County Department of Health Division of Environmental Health 111 Westfall Road Rochester, New York 14692 (585) 274-6811
- Monroe County Pure Waters Permit Office 350 E. Henrietta Road Building 15 Rochester, New York 14620 (585) 753-7600
- Rochester Pure Waters District Office of Development Review 350 E. Henrietta Road Rochester, New York 14620 (585) 753-7600